



**IDB COMMUNICATIONS**  
GROUP, INC.

**ORIGINAL  
FILE**

September 28, 1992

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Room 222, Mail Stop 1170  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Notice of Proposed Rulemaking  
CC Docket No. 92-160

Dear Ms. Searcy:

Enclosed are an original and nine copies of IDB Communications Group, Inc.'s Opposition to the Commission's Notice of Proposed Rulemaking, FCC 92-336, released July 30, 1992 in the above-captioned proceeding.

If there are any questions concerning IDB's submission, please contact the undersigned counsel.

Sincerely,

*James T. Roche*

James T. Roche  
General Regulatory Attorney  
(301) 590-7098

JTR/swd

Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In The Matter Of )  
 )  
Amendment of Parts 21, 22, 23 and ) CC Docket No. 92-160  
25 of the Commission's Rules to )  
Require Reporting of Station )  
Frequency and Technical Parameters )  
for Registration by the Commission )  
with the International Frequency )  
Registration Board )

OPPOSITION OF  
IDB COMMUNICATIONS GROUP, INC.

IDB Communications Group, Inc. ("IDB") hereby submits its Opposition to the FCC's Notice of Proposed Rulemaking, FCC 92-336, released July 30, 1992 in CC Docket No. 92-160 ("NPRM"). The NPRM proposes to require applicants, permittees and licensees under Parts 21, 22, 23 and 25 of the FCC's rules to report extensive technical information on computer diskettes so that the FCC can create an automated database. The FCC asserts that this database would be used to protect domestic licensees at risk of harmful electrical interference to and from foreign carriers and to improve the reporting of frequency assignments to the International Frequency Registration Board ("IFRB"). The NPRM requests public comment on proposed rules that would codify the reporting requirements.

A. Summary of IDB's Position

IDB strongly opposes the proposed reporting requirements because they are unnecessary and unduly burdensome. The extensive reporting required for IFRB notification flies in the

face of President Bush's directive that federal agencies reduce the regulatory burden on businesses. Yet, the Commission now proposes costly new reporting requirements without any countervailing benefit. If adopted, the new regulations would constitute a giant leap backward toward reregulation.

The Commission's proposed reporting requirements are an expensive solution in search of a problem. There is no problem at present with unacceptable interference from foreign carriers, and any potential for future problems is likely to decrease as the U.S. continues to enter into bilateral telecommunications agreements with Canada and Mexico. IDB would be particularly hard hit by implementation of the new reporting requirements, as IDB would have to hire expensive consultants to prepare and file the requisite information for each of IDB's existing 100 earth stations, as well as for each new earth station IDB plans to construct. The cost of the proposed new regulations is far outweighed by any purported benefit.

If the FCC truly believes that the IFRB process will protect FCC licensees from harmful interference created by foreign carriers, the FCC should make the proposed new reporting requirements optional. Those licensees who seek interference protection from foreign carriers could then file the extensive additional information. Licensees who chose not to file would waive protection from unintentional interference created by foreign carriers.

B. Background

IDB is a leading provider of satellite transmission and distribution services in the United States and around the world. IDB owns major teleport facilities in Los Angeles and New York, each with over 20 domestic and international earth stations; a nationwide network of over 30 fixed satellite earth stations in virtually every major metropolitan area; and a fleet of transportable earth stations. In all, IDB owns approximately 100 satellite earth stations licensed under Part 25 and operating in the C-band or Ku-band, and IDB continues to construct additional facilities.

C. The Proposed Reporting Requirements Are Unnecessary.

The FCC proposes to require the submission of extensive technical information by licensees and applicants operating in geographic areas most likely to require international coordination. NPRM at ¶ 1. The FCC asserts that "rapid telecommunications developments in nearby countries have led to increased foreign usage of the spectrum, with the attendant increase in the potential for harmful interference." NPRM at ¶ 3. In the case of Part 25 earth station licensees, the FCC proposes to require the new information for "[a]ny earth station, including an earth station requiring no domestic authorizations, that has a coordination contour ... extending into [a foreign country] ...."

Appendix B, Proposed Rule Section 25.115(d).

1. There Is No Actual Interference Problem

The Commission's proposed reporting requirements are an expensive solution in search of a problem. There is, in fact, no existing problem with interference to satellite earth station operations from foreign carriers. Thus, there is no reason to impose costly new reporting requirements on satellite earth station licensees.

IDB's teleports in Los Angeles and New York include earth stations whose coordination contours, in the case of certain C-band operations, overlap with the border of Mexico (approximately 140 miles away) and Canada (approximately 280 miles away), respectively. IDB has operated C-band earth station facilities in Los Angeles since 1984, and in New York since 1987. In that time, IDB has never experienced any interference from foreign carriers. In fact, despite operating in the two largest metropolitan areas of the U.S., IDB has rarely experienced any interference, despite the fact that domestic carriers operate hundreds of terrestrial microwave paths that pass through or near IDB's teleport facilities.<sup>1/</sup>

The fact that IDB has never experienced any interference from foreign carriers is hardly surprising. Although

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<sup>1/</sup> IDB occasionally experiences interference from other satellite uplink operators as a result of double illumination of a transponder or adjacent satellite interference. This interference can be created by an uplink from any geographic location within the satellite's footprint; the proximity of the uplink to the border is irrelevant. The FCC has effectively addressed this problem by requiring operators to install automatic transmitter identification systems ("ATIS").

coordination contours for satellite earth stations, particularly C-band downlinks, can extend up to 200 to 300 miles from the earth station, these contours are based on theoretical possibilities of interference. The real world risk of interference from terrestrial microwave operations does not extend more than 50 to 75 miles. If the FCC ultimately insists that certain satellite earth station licensees must file the proposed additional information, IDB urges the FCC to adopt a rule, like the one proposed for Part 21 licensees, requiring that the information be submitted only by licensees within a fixed distance (50-75 miles) from the foreign border.

2. There Is No Potential Interference Problem.

a. The Technical Characteristics of Satellite Earth Stations Make Interference Highly Unlikely.

The Commission's proposal appears to ignore the technical characteristics of satellite earth stations. Significantly, both transmit and receive operations in the Ku-band are not subject to terrestrial interference because the Ku-band is allocated exclusively to fixed satellite service operations in North America. For this reason, the FCC does not require applicants for Ku-band facilities to prepare or file frequency coordinations. In fact, the FCC has determined that it will not license or register domestic Ku-band receive-only facilities, even if the operator requests such action.

C-band operations in both the transmit and receive bands do share frequencies with terrestrial microwave users.

Although the FCC requires applicants to successfully complete frequency coordination before it will authorize C-band transmit operations, the submission of C-band downlink frequency coordinations is optional. The applicant has the option of waiving protection from interference into its C-band receive operations. Likewise, operators of C-band receive-only domestic earth stations no longer require any FCC approval. Applicants do have the option, if they so desire, to register their C-band receive-only earth stations with the FCC.

b. Bilateral Telecommunications Agreements  
Further Reduce The Potential For  
Interference.

The U.S. continues to enter into bilateral telecommunications agreements with Canada and Mexico on a regular basis. Ratification of the North American Free Trade Agreement should serve to accelerate this process. These bilateral accords further reduce the already negligible potential for interference into the operations of U.S. satellite earth stations.

The U.S. and Mexico entered into an agreement regarding 6 GHz (C-band) earth stations in July, 1991. That agreement provides further assurance that there will be no unacceptable interference to U.S. C-band earth station operations near the Mexican border. Further, as noted above, Ku-band earth station operations are not subject to interference because they do not operate in a shared frequency band. Thus, with respect to Mexico, there is no need whatsoever to impose extensive new

reporting requirements on earth station operators, whether C-band or Ku-band. See NPRM at ¶ 4 n. 3.

Similarly, the U.S. and Canada have exchanged data on 6 GHz earth stations, and a formal agreement is under discussion. If these discussions are successful, there would again be no need whatsoever to impose new reporting requirements on licensees of earth stations near the Canadian border. Pending completion of these discussions, adoption of new reporting requirements would be premature.

D. The Proposed Reporting Requirements  
Are Unduly Burdensome.

The costs of the proposed reporting requirements would far outweigh any purported benefits. Moreover, imposition of the proposed new rules would flatly contravene the Administration's directive that government agencies reduce, wherever possible, the regulatory burdens on business. The FCC has committed itself to following this directive, and Chairman Sikes has reported the various actions and proceedings the FCC has undertaken to reduce undue regulatory burdens. Yet here, the FCC is proposing a massive increase in the regulatory burden on satellite earth station and other common carrier licensees. If adopted, the NPRM would constitute a giant leap backwards towards reregulation, without any countervailing benefits.

Applicants for satellite earth station licenses already complete a painstaking process, including the preparation of a recently approved Form 493, before they can be granted a license.



Form 493 was adopted after exhaustive comment in the FCC's Part 25 rulemaking proceeding. Now the FCC seeks to make Form 493 but a small part of the information required to be filed by satellite earth station operators. The FCC itself concedes that the "level of detail required by the IFRB ... is an order of magnitude more complex than that required for domestic licensing of these facilities." NPRM, Attachment 3, page 1.

IDB would be particularly hard hit if the new reporting requirements were adopted. IDB owns approximately 100 satellite earth stations, and continues to construct new earth stations. At present, IDB prepares its own applications, relying on outside help only to undertake frequency coordination for the transmit operations of proposed new C-band earth stations. If the new rules were adopted, IDB would have to pay substantial monies to hire a consultant to prepare and file the requisite information for each of IDB's existing 100 earth stations, as well as for each new earth station IDB proposes to construct.

The proposed new information requirements would not only have a severe direct financial impact on IDB, but equally importantly, would adversely affect IDB's conduct of its business and its competitiveness. First, IDB would inevitably have to pass on to its customers some or all of the costs of complying with the new requirements. By artificially driving up IDB's cost of doing business, the FCC would be skewing the highly competitive transmission services market toward fiber optic transmission

suppliers, which will not incur increased new costs if the NPRM is adopted.2/

Second, compliance with the new requirements would invariably result in a delay in licensing new facilities, as extra time would be needed by IDB to compile the required information and by the FCC to review this information. Delays in licensing mean delays in the provision of service, to the detriment of IDB and its customers.3/

Third, if the new reporting requirements were to apply to transportable earth stations (which is unclear from the NPRM), the transportable earth station industry would be severely harmed. At present, properly licensed C-band and Ku-band transportables can be deployed anywhere in the U.S. without further FCC authority. Ku-band transportables can be deployed and operated immediately; C-band transportables must first complete expedited frequency coordination for their uplink operations. If the new reporting requirements were to apply to transportables, there would be an unacceptable delay while the extensive informa-

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2/ The transmission services market would be skewed even more toward fiber optic transmission suppliers if Congress were to adopt the FCC's user fee proposals, set forth in H.R. 1674. That legislation proposes substantial annual user fees for satellite earth stations, particularly large antennas and international facilities. IDB estimates that if the legislation were adopted it would have to pay \$130,000 per year in user fees for its satellite earth stations. By contrast, the proposed legislation does not contemplate any user fees for fiber optic transmission suppliers.

3/ Again, such delays would rebound to the benefit of fiber optic transmission suppliers, who are not required to file any application with the FCC in order to provide service.

tion was gathered, and the increased costs of providing this extensive information would have to be passed along to customers, which would discourage many, if not most, customers from hiring transportable earth stations.

The level of reporting required by the FCC reaches absurdity if licensees are required to submit technical parameters for each transponder on each satellite. NPRM, Attachment 3, page 1 at ¶¶ 2, 3 and 4. Most of IDB's earth stations can access multiple transponders on a single satellite, and many of IDB's earth stations are steerable, and therefore, can access multiple satellites. The information requirement exceeds absurdity if technical information must be reported for each emission designator for each transponder on each satellite. Id. At present, the FCC allows satellite earth station operators to specify "ALSAT" as a point of communication. This common sense policy must not be changed.

E. Optional Reporting

IDB submits that if the FCC truly believes that the IFRB process will help to protect FCC licensees from harmful interference created by foreign carriers, then the FCC should make the proposed new reporting requirements optional. Each satellite earth station operator could make its own cost/benefit analysis of the new reporting requirements. Licensees seeking interference protection would be able to file the extensive information required by the IFRB process. Other licensees could choose not to file, but instead to waive protection from uninten-

tional interference created by properly licensed foreign carriers. The FCC already uses a similar procedure with respect to C-band satellite earth stations, whereby operators of receive-only C-band earth stations have the option of registering their facilities to protect them from harmful interference, and operators of transmit/receive C-band earth stations have the option of waiving interference protection for their downlink operations if they do not submit a frequency coordination for these bands.

WHEREFORE, IDB Communications Group, Inc. respectfully submits that the Commission should not adopt the proposed new reporting requirements set forth in the NPRM, unless the submission of the technical information may be done at the option of the licensee or applicant.

Respectfully submitted,

IDB COMMUNICATIONS GROUP, INC.

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Its Attorneys

September 28, 1992

CERTIFICATE OF SERVICE

I, Susanne Deljoubar, do hereby certify that I have this 28th day of September, 1992, sent copies of the foregoing "Opposition of IDB Communications Group, Inc." by first-class U.S. mail, postage prepaid, to the following:

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Susanne Deljoubar